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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,938	11/13/2003	Yoshiki Ishii	03560.003397	6571
<div>5514 7590 02/26/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112</div>				
			EXAMINER WERNER, DAVID N	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 02/26/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,938

Applicant(s)

ISHII, YOSHIKI

Examiner

David N. Werner

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,10-17 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,15-17 and 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action for US Patent Application 10/705,938 is in response to the Request for Continued Examination filed 05 February 2008, in reply to the Advisory action of 11 December 2007. Currently, claims 1, 4-7, 10-17, and 26-30 are pending. Of those, claims 10-14 have been withdrawn from consideration.
2. In the Final Rejection of 05 October 2007, claims 1, 4-7, 15-17, and 26-30 were rejected under 35 U.S.C. 103(a) as obvious over JP 2000-050263 A (Asada et al.) in view of DE 10,035,109 A1 (Cho et al.), relying on US 6,956,971 B1 for translation.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05 February 2008 has been entered.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 15, and 28 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that Asada et al. and Cho et al. do not teach the newly-added claim limitation of generating groups of

pictures from a still image. However, US Patent 6,324,217 B1 (Gordon) will be introduced into the record to demonstrate that it was known at the time of the invention to produce a GOP of replicated images.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 7, 15, 17, and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,324,217 B1 (Gordon), in view of DE Technical Disclosure 10,035,109 A1 (Cho et al.), relying on corresponding US Patent 6,956,971 B1 for translation.

Gordon teaches a system for producing a group of picture (GOP) of replicated images. Regarding claim 1, figure 1 of Gordon shows an embodiment of the replication apparatus (column 3: lines 12-18). This apparatus includes video frame encoder 110 (column 3: lines 19-28), which has a buffer 121 that stores representative still image frames. This buffer corresponds with the claimed "memory unit". Additionally, since encoder 110 is an MPEG or MPEG2 encoder, it inherently quantizes video frames as part of the encoding process (column 6: lines 8-19). Then, encoder 110 corresponds with the claimed "quantization unit". Next, GOP replicator 120 encodes a GOP structure comprising the still image as an I frame followed by a plurality of P frames that

contain no data, that is no change from the previous I frame (column 3: lines 48-65). In the example given, the freeze-frame GOP structure contains an I frame followed by 14 P frames. A DURATION control signal can be used to produce an extended freeze frame from multiple GOPs (column 3: line 66–column 4: line 4). This corresponds with the claimed "encoding unit". However, Gordon does not teach adjusting quantization for motion images and still images.

Cho et al. teaches a system that transmits a moving picture and still pictures extracted from the moving picture in a higher quality than the frames in the moving picture. Regarding claim 1, in one embodiment of Cho et al., as seen in figure 4, a user may choose to set the quality of a still picture according to a desired transmission time (column 7: lines 54-60). The quantizer value for a still picture is lower than the quantizer value for a moving picture (column 7: lines 32-34). Then, core part 300 of Cho et al., which takes as input the user selected image quality parameter and performs quantizing based on this parameter (column 6: lines 27-37), corresponds with the claimed "control unit".

Gordon et al. discloses the claimed invention except for specifying the reduction of a quantization parameter for still image encoding. Cho et al. teaches that it was known to decrease quantization size in a still image mode. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the encoder of Gordon et al. to encode still images as motion images with a small quantization step size, as taught by Cho et al., since Cho et al. states in column 6: lines 50-59 that such a modification would increase image quality.

Regarding claim 7, in Gordon, NULL forward predictive coded frames comprises a "zero motion vector frame" (column 3: lines 36-47).

Regarding claim 15, in one embodiment of Cho et al., a fixed low quantizing value is used to transmit still pictures, and a relatively high, variable quantizing value is used to transmit moving pictures (column 7: lines 26-33).

Regarding claim 17, in Gordon, NULL forward predictive coded frames comprises a "zero motion vector frame" (column 3: lines 36-47).

Regarding claim 26, the examiner takes Official Notice that it would have been obvious to one having ordinary skill in the art at the time the invention was made to record encoded still images or motion images on a recording medium, to enable further viewing or editing at a time later than encoding.

Regarding claim 27, the examiner takes Official Notice that it would have been obvious to one having ordinary skill in the art at the time the invention was made to record encoded still images or motion images on a recording medium, to enable further viewing or editing at a time later than encoding.

Regarding claim 28, in one embodiment of Cho et al., a fixed low quantizing value is used to transmit still pictures, and a relatively high, variable quantizing value is used to transmit moving pictures (column 7: lines 26-33).

Regarding claim 29, in Gordon, NULL forward predictive coded frames comprises a "zero motion vector frame" (column 3: lines 36-47).

Regarding claim 30, the examiner takes Official Notice that it would have been obvious to one having ordinary skill in the art at the time the invention was made to

record encoded still images or motion images on a recording medium, to enable further viewing or editing at a time later than encoding.

7. Claims 4-6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon in view of Cho et al. as applied to claims 1 and 15 above, and further in view of Japanese Patent Application Publication 2000-050263 A (Asada et al.). Claim 4 is directed to performing quantization based on the product of a quantization matrix and a characteristic value, and claim 16 is directed to storing a quantization characteristic value in a memory. Cho et al. does not teach these limitations.

Asada et al. teaches a digital camera that can encode or decode both motion images and still images (abstract), in which the quantization unit for motion images and still images is shared (paragraphs 0040-0044). Regarding claim 4, figure 7 of Asada et al. shows the quantizer. The quantization Q for each DCT value in a block is given by the formula $Q = \frac{16 \times D_{(i,j)}}{Q_s \times W_{(i,j)}}$, where D is the DCT coefficient for frequency (i,j) , Q_s is the quantization characteristic, and W is the value in a quantization matrix for frequency (i,j) (paragraph 0041).

Regarding claim 5, in Asada et al., Q_s controls the number of "generating signs", or non-zero quantization values. The examiner takes Official Notice that it was well known in the art at the time of the present invention that adjusting a quantization step size changes the quality of a compressed image. Since Q_s in the denominator of the value of the formula for quantized value Q , a smaller value of Q_s yields a higher value

of Q, particularly in higher-frequency AC DCT values, and increasing the quality of the compressed image. Note that the phrase “dosage child-ized table” throughout the machine translation of Asada et al, provided with the Non-Final Rejection of 13 April 2007, is a mistranslation of the phrase “quantization table”, and has no meaning regarding quantization step size.

Regarding claim 6, in Asada et al., motion image processing and still image processing use different quantization tables. Figure 10 shows an embodiment of Asada et al. in which two quantization tables are stored in a memory (paragraph 0045). In motion processing, field A stores an Intra quantization table, and field B stores an Inter quantization table. In still image processing, field A stores a Luminance quantization table, and field B stores a Chrominance quantization table (paragraph 0048).

Regarding claim 16, in Asada et al., the quantization tables for still image coding and motion image coding are stored in a memory (paragraph 0048).

Gordon, in combination with Cho et al., discloses the claimed invention except for quantizing motion images and still images based on quantization tables. Asada et al. teaches that it was known to vary the quantization parameters according to pre-defined tables for still images and motion images. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the quantization method of Asada et al. into the encoder of Gordon or Cho et al., since Asada et al. states in paragraph 0050 that such a modification would reduce the time to switch between motion image encoding and still image encoding.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Werner whose telephone number is (571) 272-9662. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri, can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DNW


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